

## **Part 1**

### **General Provisions**

#### **17D-3-101 Title.**

This chapter is known as the "Conservation District Act."

Enacted by Chapter 360, 2008 General Session

#### **17D-3-102 Definitions.**

As used in this chapter:

- (1) "Commission" means the Conservation Commission, created in Section 4-18-104.
- (2) "Conservation district" means a limited purpose local government entity, as described in Section 17D-3-103, that operates under, is subject to, and has the powers set forth in this chapter.
- (3) "Department" means the Department of Agriculture and Food, created in Section 4-2-1.

Amended by Chapter 227, 2013 General Session

#### **17D-3-103 Conservation district status, authority, and duties.**

- (1) A conservation district created under this chapter:
  - (a) is a body corporate and politic;
  - (b) is a political subdivision of the state; and
  - (c) may sue and be sued.
- (2)
  - (a) A conservation district may:
    - (i) survey, investigate, and research soil erosion, floodwater, nonpoint source water pollution, flood control, water pollution, sediment damage, and watershed development;
    - (ii) subject to Subsection (2)(b), devise and implement on state or private land a measure to prevent soil erosion, floodwater or sediment damage, nonpoint source water pollution, or other degradation of a watershed or of property affecting a watershed;
    - (iii) subject to Subsection (2)(b), devise and implement a measure to conserve, develop, utilize, or dispose of water on state or private land;
    - (iv) construct, improve, operate, and maintain a structure that the board of supervisors considers necessary or convenient for the conservation district to carry out its purposes under this chapter;
    - (v) acquire property, real or personal, by purchase or otherwise, and maintain, improve, and administer that property consistent with the purposes of this chapter;
    - (vi) enter into a contract in the name of the conservation district;
    - (vii) receive money from:
      - (A) a federal or state agency;
      - (B) a county, municipality, or other political subdivision of the state; or
      - (C) a private source;
    - (viii) subject to Subsection (2)(c), make recommendations governing land use within the conservation district, including:
      - (A) the observance of particular methods of cultivation;
      - (B) the use of specific crop programs and tillage practices;

- (C) the avoidance of tilling and cultivating highly erosive areas where erosion may not be adequately controlled if cultivated;
- (D) the construction of terraces, terrace outlets, check dams, dikes, ponds, or other structures; and
- (E) the development or restoration, or both, of range or forest lands or other natural resources, whether in private, state, or federal ownership;
- (ix) make recommendations for county and municipal land use authorities within the conservation district to consider with respect to land use applications and other development proposals;
- (x) employ clerical and other staff personnel, including legal staff, subject to available funds; and
- (xi) perform any other act that the board of supervisors considers necessary or convenient for the efficient and effective administration of the conservation district.
- (b) A conservation district's authority under Subsections (2)(a)(ii) and (iii) is subject to the consent of:
  - (i) the land occupier; and
  - (ii) in the case of school and institutional trust lands, as defined in Section 53C-1-103, the director of the School and Institutional Trust Lands Administration, in accordance with Sections 53C-1-102 and 53C-1-303.
- (c)
  - (i) Each recommendation under Subsection (2)(a)(viii) shall be uniform throughout the conservation district or, if the board of supervisors classifies land under Subsection (2)(c)(ii), throughout each land classification.
  - (ii) The board of supervisors may uniformly classify land within the conservation district with respect to soil type, degree of slope, degree of threatened or existing erosion, cropping and tillage practices in use, or other relevant factors.
- (3)
  - (a) Each conservation district shall annually submit to the commission, no later than the date that the commission prescribes:
    - (i) a copy of the minutes of each conservation district meeting;
    - (ii) a copy of the conservation district's annual work plan; and
    - (iii) an accounting of the conservation district's financial affairs, as provided in Subsection (3)(b).
  - (b) The accounting required under Subsection (3)(a)(iii) shall:
    - (i) be prepared by a disinterested person; and
    - (ii) show the conservation district's debits and credits, including accounts payable and accounts receivable, the purpose of each debit, the source of each credit, and the actual cash balance on hand.

Enacted by Chapter 360, 2008 General Session

**17D-3-104 District court jurisdiction.**

The district court in which a conservation district is located has jurisdiction to decide all cases and controversies involving the construction, application, or enforcement of land use ordinances within the conservation district.

Enacted by Chapter 360, 2008 General Session

**17D-3-105 Conservation districts subject to other provisions.**

- (1) A conservation district is, to the same extent as if it were a local district, subject to and governed by:
- (a) Sections 17B-1-105, 17B-1-107, 17B-1-108, 17B-1-110, 17B-1-112, 17B-1-113, 17B-1-116, 17B-1-121, 17B-1-307, 17B-1-311, 17B-1-313, and 17B-1-314;
  - (b) Title 17B, Chapter 1, Part 6, Fiscal Procedures for Local Districts;
  - (c) Title 17B, Chapter 1, Part 7, Local District Budgets and Audit Reports;
  - (d) Title 17B, Chapter 1, Part 8, Local District Personnel Management; and
  - (e) Title 17B, Chapter 1, Part 9, Collection of Service Fees and Charges.
- (2) For purposes of applying the provisions listed in Subsection (1) to a conservation district, each reference in those provisions to the local district board of trustees means the board of supervisors described in Section 17D-3-301.

Amended by Chapter 189, 2014 General Session

**17D-3-106 Fiscal year.**

The fiscal year of a conservation district shall be, as determined by the commission:

- (1) the calendar year; or
- (2) a period beginning on July 1 and ending on the following June 30.

Enacted by Chapter 103, 2012 General Session

**17D-3-107 Annual budget and financial reports requirements.**

Upon agreement with the commission, the state auditor may modify:

- (1) for filing a budget, a requirement in Subsection 17B-1-614(2) or 17B-1-629(3)(d); or
- (2) for filing a financial report, a requirement in Section 17B-1-639.

Enacted by Chapter 103, 2012 General Session